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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,539	08/30/2005	Paul Hoyes	1512.2.151	4726

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EXAMINER

ROWAN, KURT C

ART UNIT PAPER NUMBER

3643

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/532,539

Applicant(s)

HOYES ET AL.

Examiner

Kurt Rowan

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>June 13, 2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Marshall et al. (US 5272832).

The patent to Marshall shows a bait station having a housing , a lid and one or more locking members 43, 44 releasably secured to the housing or the lid. In this case, the locking members are attached to the lid and are releasably secured to the housing. In reference to claim 4, Marshall shows the locking members 43, 44 with a resilient member 44 on the lid which can be brought into and out of engagement with an edge of an aperture 43 on a flange of the housing to releasably secure the locking member to the housing. In reference to claim 9, Marshall shows interengagable formations 43, 44 which can be used to lock the lid to the housing. In reference to claim 10, Marshall shows the interengagable formations on the locking members 43, 44 comprise a hook portion 43 as shown in Fig. 3 and the other interengageable formation on the other of the housing or the lid comprises a recess 44 adapted to receive the hook portion as also shown in Fig. 3.

3. Claims 1-3, 5-6, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Query (US 2568168).

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The patent to Query shows a bait station with a housing 10 and a lid 25 as shown in Fig.

1. In reference to claims 1 and 11, Query shows a locking member 37, 39 releasably secured to the housing or lid to lock the lid to the housing in which the locking member is releasable from the lid or housing or the lid and which can be removed can be removed from the housing or lid when the lid is in the open position. In reference to claim 2, Query shows the locking member made from a different material than the housing since the locking member is made from metal and the housing is made from wood. In reference to claim 3, Query shows the housing and lid provided with apertures 40, 41 which open into the interior of the bait box and into which the locking member can be inserted. In reference to claim 5, Query shows that the locking member can be secured to the surrounding wall of the housing or to a surrounding wall of the lid. In reference to claim 6, Query shows that the lid and the housing are separable. In reference to claim 7, Query shows a tongue and groove fitting (at 26 in Fig. 1 and also in Fig. 4) between the housing and the lid.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall as applied to claim 1 above, and further in view of Kalnasy et al. (US 4,228,613).

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The patents to Marshall and Kalnasy show bait stations. Marshall has been discussed above and does not show a hinge housing and a hinge fitting. Marshall shows a living hinge 13. The patent to Kalnasy shows a bait station with a conventional hinge 66 having a hinge housing and a hinge fitting as shown in Fig. 3. In reference to claims 8 and 12, it would have been obvious to provide the bait station of Marshall with a hinge as shown by Kalnasy since merely one mechanically equivalent hinge is being substituted for another and the function is the same.

Conclusion

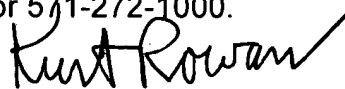
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Nelson, Bergeson, Frasier, Johnson, Issitt, and Stack show other bait stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kurt Rowan
Primary Examiner
Art Unit 3643

KR